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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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PHILIP Y DAHL  
3M OFFICE OF INTELL PROPERTY COUNSEL  
P O BOX 33427  
ST PAUL MN 55133-3427

EXAMINER

ZIRKER, D

ART UNIT

PAPER NUMBER

1771

DATE MAILED:

05/01/00

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3, 4
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

2. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by J.P. Derwent Abst. X P002118060. The reference discloses, in certain embodiments a pressure sensitive (i.e., self adhesive) composition comprising a thermoplastic resin (e.g., polybutadiene rubbers), a thermosetting resin (such as epoxy) and a tackifier which can be present within the claimed ranges of proportions. Additionally a curing agent for curing the epoxy may also be present.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 7-10, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of J.P. Derwent Abstracts -060, -059 or -058. D.A -060' is again relied as set forth, above, with a rejection of obviousness now being relied upon due to the possibility that for at least some of the claims the reference may teach too many possible embodiments to readily reduce those embodiments which would constitute an anticipation to practice. D.A. '059 teaches heat sensitive pressure sensitive adhesive compositions which include the presence of a

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thermoplastic resin, tackifier and epoxy compound, together with the presence of a thermal-hardening agent which is believed to cure the epoxy compound. Note also that the thermoplastic resin can be a styrene based monomer, and that the range of proportions of the various components would, in certain embodiments, either read upon or at least put within the skill of the art the claimed composition and accompanying genus of articles (claims 15, 16).

With respect to DA-058 this reference lacks only the presence of an express teachings of a cured epoxy resin from being a clear anticipation of at least the broadly claimed composition claims.

With respect to those dependent claims which cite the more preferred ranges of proportions of the various ingredients, these are each believed to be, if not expressly or inherently disclosed, obvious modifications to one of ordinary skill, in the absence of unexpected results.

6. Claims 3-6, 11-13 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of JP. Derwent Abstracts -060, -059 or -058, each taken in view of Kieffer et al. The primary references are again relied upon as set forth, above, while Kieffer et al. discloses (note particularly the Abstract, col. 5, lines 16-23, ln 53- col. 6, ln 16, col. 7, ln 57-col. 9, ln 37, col. 10, lns 44-68, col. 13, lns 5-44, col. 14, lns 24-34) a genus of nonwoven elastomeric material such as applicants contemplate having pressure sensitive adhesive properties. The psa compositions taught by the reference lack only the pesence of the epoxy component from being an anticipation and such the reference is believed to provide more than ample motivation for incorporating the closely related adhesive compositions of the primary references into the formed genus of articles of Kieffer et al to produce a broad genus of adhesive fabrics and articles. With

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respect to those dependent claims not expressly or inherently disclosed, these are again believed to be well within the ordinary skill of the art, in the absence of unexpected results.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note also Rinde et al, cited in the specification, Vargas et al and Park et al.

8. Any inquiry concerning this communication should be directed to Daniel Zirker at telephone number (703) 703-308-0031.

D. Zirker/vr

04-28-00

**DANIEL ZIRKER**  
**PRIMARY EXAMINER**  
**GROUP 1300-**  
**1700**

*Daniel Zirker*